

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

PAUL MICHAEL MOORE, et al.,

Case No. 3:21-cv-00599-SB
OPINION AND ORDER

v.

**OREGON DEPARTMENT OF
CORRECTIONS,**

Defendant.

MOSMAN, J.,

On September 28, 2021, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [ECF 36], recommending that I deny Plaintiff Paul Michael Moore’s motions for injunctive relief [ECF 21] [ECF 32] and his motion for order to transfer [ECF 33]. In those motions, Moore sought to be transferred from medium-security housing at Snake River Correctional Institute (SRCI) to a minimum-security facility.

Before objections were filed, Moore was transferred to minimum-security housing. White Decl. [ECF 47]. Because Moore was now in minimum-security housing, Judge Beckerman promptly denied his motions for transfer as moot. Order [ECF 48]. On January 4, 2022, Moore file another motion for injunctive relief, requesting transfer to a minimum-security facility other than SRCI. Mot. to Enforce Inj. Relief [ECF 52]. Judge Beckerman interpreted this motion as a motion to reconsider her order denying Moore’s previous motions as moot, which she denied.

Order [ECF 54]. Shortly thereafter, Moore filed a motion for reconsideration of Judge Beckerman's order denying the motions for transfer as moot [ECF 55], which she interpreted as objections to her original F&R. Order [ECF 56]. Upon review, I agree with Judge Beckerman.

DISCUSSION

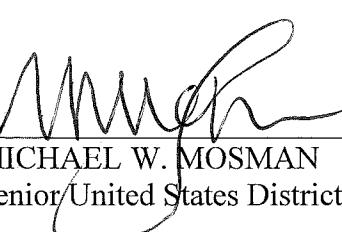
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation and I ADOPT the F&R [ECF 36] as my own opinion. I DENY Moore's Motion to Enforce Injunctive Relief [ECF 52] and his Motion for Reconsideration [ECF 55].

IT IS SO ORDERED.

DATED this 9th day of March, 2022.


MICHAEL W. MOSMAN
Senior United States District Judge